

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules	)	WP Docket No. 16-261
To Improve Access to Private Land Mobile	)	
Radio Spectrum	)	

To: The Commission

**COMMENTS ON NOTICE OF PROPOSED RULEMAKING**

The National Association of Manufacturers and MRFAC, Inc. (collectively, "NAM/MRFAC") hereby submit their comments on the Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.

Introduction

The National Association of Manufacturers (NAM) is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs more than 12 million men and women, contributes \$2.17 trillion to the U.S. economy annually, has the largest economic impact of any major sector and accounts for more than three-quarters of all private-sector research and development in the nation. The NAM is the powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

MRFAC is a certified frequency coordinator for the private land mobile bands from 30 to 900 MHz. MRFAC began its operations over 30 years ago as the frequency coordinating arm for NAM. For the past two decades, MRFAC has operated independently, providing coordination

and licensing-related services for U.S. manufacturers and other industrial and business entities. MRFAC has long participated in spectrum rulemakings affecting the interests of manufacturers.

#### The Notice

Among the proposals addressed in the Notice is one originally advanced by the Land Mobile Communications Council (“LMCC”) in 2014 to afford a limited, six month priority for incumbent 800 MHz licensees in accessing newly-released Expansion Band (860-861 MHz) and Guard Band (861-862 MHz) spectrum. NAM/MRFAC were pleased to submit their Comments supporting LMCC’s proposal. As we noted then, manufacturers have long waited for the opportunity to expand their systems in the 800 MHz band.. The LMCC proposal recognized the fact that these licensees have been precluded from expanding their facilities by 800 MHz re-banding. These are also licensees with a demonstrated commitment to building and operating 800 MHz facilities. The opportunity proposed by LMCC would thus very much facilitate the improvements sought in manufacturers’ radio systems, an essential factor in the growth of U.S. manufacturing productivity.

Unfortunately, the proposal set forth in the Notice is more restrictive than LMCC’s; it would be limited to a three-month time period and B/ILT Expansion Band channels only. In NAM/MRFAC’s view, the Notice’s proposal is unduly limited and the benefits from it would fall far short of the relief inherent in the LMCC approach. A review of licensing records in major markets reveals very few EB channels available for B/ILT use. It is for this reason that the original LMCC proposal contemplated access to both EB and GB channels.<sup>1</sup> NAM/MRFAC would accordingly urge the Commission to modify its proposal along the lines suggested herein

---

<sup>1</sup> Even if the Commission were to allow B/ILT licensees access to EB channels reserved for SMRs without the need for inter-category sharing waivers, the channels available would still fall well short of the total available when making both EB and GB channels available.

and in the comments being filed by LMCC on this issue, which Comments NAM/MRFAC have reviewed and support.

A helpful addition to the LMCC proposal would define exactly which incumbents within a specific area may apply during the six-month window NAM/MRFAC advocates. The original intent, as reflected in the NPRM, limited access to incumbents “in the market.” However, the NPRM does not define the term “market.” NAM/MRFAC propose that “market” for this purpose be defined as any area where the incumbent has an existing, i.e. constructed, base station within 64 kilometers of each proposed new base station,. This would mirror the language in §90.623(c).

Of the other proposals set forth in the Notice, three warrant comment. The first deals with service rules for 450 MHz railroad channels. As the Commission’s records reflect, manufacturers have expressed concern in the past regarding the potential for interference from higher power railroad boosters operating at 30 watts, instead of five watts, on channels adjacent to those used by manufacturers.<sup>2</sup> While the Commission ultimately approved a waiver request submitted by the Association of American Railroads, that grant precludes operation on the channels at the band edge with manufacturers; namely, 452/457.9000 MHz and 452/457.96875 MHz. In addition, the Commission requires the use of Class A boosters rather than Class B devices.<sup>3</sup> This resolution has appeared to work well for both industries.

---

<sup>2</sup> See Association of American Railroads, DA 14-1559, released October 29, 2014.

<sup>4</sup> *Ibid.*

The proposal in the Notice would codify the terms of the waiver, and NAM/MRFAC support this result.

Another issue in the Notice concerns the proposal to extend conditional licensing to 800/900 MHz and additional spectrum above 470 MHz. Conditional licensing has applied for years in the UHF band. Moreover, conditional licensing at 800 MHz has been allowed under the terms of a temporary waiver without adverse consequences. Extending conditional licensing on a regular basis to spectrum above 470 MHz, and in particular 800/900 MHz, would reduce the workload for the Commission as well as applicants, and facilitate expedited operations with a minimum of regulatory burden. NAM/MRFAC urge the Commission to act favorably on this proposal.

Third and finally, NAM/MRFAC support the Notice's proposal to add UHF channels between Private Land Mobile Radio ("PLMR") and the Broadcast Auxiliary Service, on the one hand, and between the PLMR and General Mobile Radio Service, on the other hand; as well as consider possible liberalization of eligibility rules for certain UHF central station alarm frequencies which are currently underutilized. In all three cases, access to additional frequencies would help relieve spectrum congestion affecting manufacturers.

#### Conclusion

Accordingly, for the foregoing reasons, the Commission should adopt LMCC's proposal for a limited, six month priority for incumbent 800 MHz licensees to access newly-released 800 MHz EB and GB spectrum, along with NAM/MRFAC's proposed definition of "market."



NAM/MRFAC also supports the other proposals in the Notice discussed above, and urge their prompt adoption.

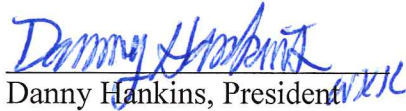
Respectfully submitted,

**THE NATIONAL ASSOCIATION OF  
MANUFACTURERS**



Brian Raymond *wkk*  
Director, Technology Policy  
733 10<sup>th</sup> Street, NW Suite 700  
Washington D.C. 20001

**MRFAC, INC.**



Danny Hankins, President *wkk*  
P.O. Box 1996  
One Cessna Boulevard  
Independence, KS 67301

*Of Counsel:*

William K. Keane  
Duane Morris LLP  
505 9<sup>th</sup> Street, NW, Suite 1000  
Washington, DC 20004-2166

November 22, 2016